

stitutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

S. B. No. 187, A bill to be entitled "An Act to appropriate the sum of \$25,000 to co-operate with the Department of the Interior of the United States government to investigate reservoir sites and reservoir conditions on the Pecos River, authorizing the Governor to draw upon such funds, and regulating the expenditure thereof, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### ADJOURNMENT.

On motion of Mr. Smith, the House, at 12:45 o'clock p. m., adjourned until 9:30 o'clock a. m. Friday, January 25, 1929.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

State Affairs: House bill No. 8.  
 Appropriations: House bill No. 249.  
 Judicial Districts: House bill No. 127.  
 Education: House bills Nos. 253 and 22.  
 Judiciary: House bills Nos. 56, 156, 222, 348 and 155.  
 Agriculture: House bills Nos. 343, 16, 173 and 114.  
 Criminal Jurisprudence: House bills Nos. 363 and 26.

The following committees have today filed adverse reports on bills, as follows:

State Affairs: House bills Nos. 2, 78, 65 and 82.  
 Criminal Jurisprudence: House bills Nos. 90, 220, 200 and 283.

##### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, January 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 48, A bill to be entitled "An Act to amend subdivision 3, of

Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having \$290,000.000 assessed valuation or more and which have established therein institutions for the care of dependent and delinquent boys and girls, the county judge shall receive the further sum of \$3000 per annum, which shall be ex-officio and not to be accounted for as fees of office, but in addition to all amounts allowed under the maximum fee bill; and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3, of Title 4, of the Revised Civil Statutes of 1925,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

#### THIRTEENTH DAY.

(Friday, January 25, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Bateman.
Ackerman.	Beck.
Adkins.	Bond.
Albritton.	Bounds.
Anderson.	Bradley.
Avis.	Brice.
Baker.	Brooks.
Baldwin.	Carpenter.
Barnett.	Chastain.

Coltrin.	Montgomery.
Conway.	Moore.
Cox of Navarro.	Mosely.
Cox of Lamar.	Mullally.
Cox of Limestone.	Murphy.
Davis.	Negley.
DeWolfe.	Nicholson.
Dunlap.	Olsen.
Duvall.	O'Neill.
Enderby.	Palmer.
Ewing.	Patterson.
Eickenroht.	Pavlica.
Finn.	Petsch.
Finlay.	Pool.
Forbes.	Pope of Jones.
Gerron.	Pope of Nueces.
Gilbert.	Prendergast.
Giles.	Purl.
Graves	Quinn.
of Williamson.	Ray.
Graves of Erath.	Reader.
Hardy.	Reid.
Harding.	Renfro.
Harman.	Richardson.
Harper.	Rountree.
Harrison.	Sanders.
Heaton.	Shaver.
Hefley.	Shelton.
Hines.	Sherrill.
Hogg.	Shipman.
Holder.	Simmons.
Hopkins.	Sinks.
Jenkins.	Smith.
Johnson	Snelgrove.
of Dimmit.	Speck.
Johnson of Smith.	Stephens.
Jones.	Stevenson.
Justiss.	Storey.
Kayton.	Strong.
Keeton.	Tarwater.
Keller.	Thurmond.
Kemble.	Tillotson.
Kennedy.	Turner.
Kincaid.	Van Zandt.
King.	Veatch.
Kinnear.	Waddell.
Land.	Wallace.
Lee.	Walters.
Lemens.	Warwick.
Long of Wichita.	Webb.
Loy.	White.
Mankin.	Wiggs.
Martin.	Williams
Mauritz.	of Sabine.
Maynard.	Williams
McCombs.	of Travis.
McDonald.	Woodall.
McGill.	Woodruff.
Mehl.	Young.
Minor.	

Absent.

Fuchs. McKean.

Absent—Excused.

Acker. Gates.

Hornaday.	Rogers.
Hubbard.	Savage.
Johnson of Scurry.	Thompson.
Kenyon.	Westbrook.
Long of Houston.	Williams
Metcalf.	of Hardin.
Morse.	

A quorum was announced present.  
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Savage for today, on motion of Mr. Justiss.

Mr. Gates for today and tomorrow, on motion of Mr. McCombs.

Mr. Morse for today and tomorrow, on motion of Mr. Kemble.

Mr. Westbrook for today and tomorrow, on motion of Mr. Baldwin.

Mr. Metcalfe for today and tomorrow, on motion of Mr. Bond.

The following members were granted leaves of absence on account of illness:

Mr. Williams of Hardin for today, on motion of Mr. Turner.

Mr. Johnson of Scurry for today, on motion of Mr. Van Zandt.

Mr. Long for today and tomorrow, on motion of Mr. Palmer.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Dunlap, Mr. Enderby, Mr. Land and Mr. Harding:

H. B. No. 436, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to repeal that portion of the State law prohibiting the operation of moving picture shows and theaters on Sunday in this State."

Referred to Committee on Criminal Jurisprudence.

By Mr. Quinn:

H. B. No. 437, A bill to be entitled "An Act to establish and maintain a dairy, hog and poultry agricultural experiment station in the Pineywoods region of Southeast Texas, in one of

the following counties: Newton, Orange, Jasper, Hardin or Liberty."

Referred to Committee on Agriculture.

By Mr. Renfro and Mr. Simmons:

H. B. No. 438, A bill to be entitled "An Act allowing jurors in lunacy cases to be paid the sum of \$3.00 per day out of the estate of the defendant if he have an estate; providing that if the defendant has no estate the fee shall be paid by the county on accounts approved by the county judge."

Referred to Judiciary Committee.

By Mr. Ray:

H. B. No. 439, A bill to be entitled "An Act creating a more efficient road system for Bell county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court."

Referred to Committee on Highways and Motor Traffic.

By Mr. Ray:

H. B. No. 440, A bill to be entitled "An Act to amend Article 6228, Title 109, of the Revised Civil Statutes of Texas, A. D. 1925, which relate to payment of a monthly allowance to indigent widowed mothers; prescribing the manner of procuring such allowance and authorizing the county court to appoint a number of women who are willing to render gratuitous service in assisting said widows."

Referred to Judiciary Committee.

By Mr. Ackerman, Mr. Pavlica and Mr. Giles:

H. B. No. 441, A bill to be entitled "An Act to safeguard the public in the purchase of pure bred agricultural seed, true to name; providing that the State Board of Plant Breeder Examiners shall be hereafter known as the State Seed and Plant Board."

Referred to Committee on Agriculture.

By Mr. Carpenter:

H. B. No. 442, A bill to be entitled "An Act to provide that in counties whose property values are less than one hundred million dollars as shown by the tax rolls for the preceding calendar year, or whose population is less than 150,000 as shown by the preceding Fed-

eral census, the commissioners court in such counties which have voted county or district bonds to the extent of two million dollars or more for the purpose of building public roads, or which may hereafter vote such bonds, may authorize the county treasurer to employ an assistant treasurer at a salary not to exceed \$75.00 per month."

Referred to Judiciary Committee.

By Mr. Harper:

H. B. No. 443, A bill to be entitled "An Act to amend Chapter 86 of the Local and Special Laws enacted by the Thirty-fifth Legislature at its Regular Session in 1917, same being a special road law for Morris county, by adding thereto Section 27a, authorizing the commissioners court of Morris county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

Referred to Committee on Highways and Motor Traffic.

By Mr. Young, Mr. Land and Mr. White:

H. B. No. 444, A bill to be entitled "An Act to provide that in the event there should be awarded to the State of Texas by the final decree of the United States Supreme Court at Washington, D. C., in its final judgment in the suit of the State of Oklahoma against the State of Texas, the United States, intervener, any area of land along the 100th degree west longitude adjacent to the east side of the Panhandle of Texas and the west side of the State of Oklahoma, such area shall upon the happening of that event, be and become a portion, part and parcel of and incorporated into the several counties of the State of Texas adjacent thereto for all governmental purposes by the extension of the north and south boundary lines of same east to the true 100th degree of west longitude as may be fixed by said court."

Referred to Committee on Public Lands and Buildings.

By Mr. Chastain and Mr. Gilbert:

H. B. No. 445, A bill to be entitled "An Act to amend Chapter 2 of Title 122, Revised Statutes of Texas, 1925, by adding thereto an article to be known as Article 7071a, authorizing the commissioners court of any county in which oil is produced to levy an occupation tax against every person liable for the

State occupation tax, provided for by Article 7071, not to exceed 50 per cent of the State tax."

Referred to Committee on Revenue and Taxation.

By Mr. Purl:

H. B. No. 446, A bill to be entitled "An Act defining group life insurance; providing that no policy of group life insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy."

Referred to Committee on Insurance.

By Mr. Purl:

H. B. No. 447, A bill to be entitled "An Act amending Articles 4725 and 4766 of the Revised Civil Statutes of 1925; designating the securities in which the funds of life insurance companies may be invested; providing that if a domestic life insurance company reinsures the business and takes over the assets of a foreign life insurance company, the investments of such company so taken over and reinsured, if authorized, when made, by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over."

Referred to Committee on Insurance.

By Mr. Purl:

H. B. No. 448, A bill to be entitled "An Act providing that whenever any person shall procure the issuance of a policy of insurance on his life in any legal reserve life insurance company, and designate in writing the beneficiary to receive the proceeds thereof, the company shall pay any proceeds thereof becoming due on the death of the insured to the person so designated in the absence of a notice in writing of an adverse claim received at the home office of the company, and that any such payments so made in the absence of any such notice received prior to the time of payment shall discharge the company from all liability on the policy."

Referred to Committee on Insurance.

By Mr. McGill:

H. B. No. 449, A bill to be entitled "An Act to amend subdivision paragraph No. 2 of Article 5323, Revised Civil Statutes of 1925, providing for procedure to determine availability of contested school land vacancies; requir-

ing evidence of payment of surveying expenses; allowing disclosure of existence of vacancies to anyone desiring such information."

Referred to Committee on Public Lands and Buildings.

By Mr. Hornaday, Mr. Dunlap and Mr. Duvall:

H. B. No. 450, A bill to be entitled "An Act to amend Articles 4513, 4514, 4516, and 4523, Chapter 7, Revised Statutes of Texas of 1925, providing for the appointment of a board of nurse examiners; prescribing their qualifications and duties."

Referred to Committee on Public Health.

By Mr. Duvall and Mr. Sherrill:

H. B. No. 451, A bill to be entitled "An Act to amend Chapter 9 of Title 71 of the Revised Civil Statutes of Texas as adopted at the Regular Session of the Thirty-ninth Legislature, 1925, providing for the appointment and qualification of a board of dental examiners; defining the duty of said board; defining the qualifications of applicants to practice dentistry in Texas."

Referred to Committee on Criminal Jurisprudence.

By Mr. Duvall and Mr. Patterson:

H. B. No. 452, A bill to be entitled "An Act to amend Article 820 of the Penal Code of the State of Texas of 1925 so as to exempt from the fee therein imposed passenger motor vehicles operating for the carriage of passengers for hire wholly within the limits of any incorporated city or town in the State of Texas."

Referred to Committee on Revenue and Taxation.

By Mr. Webb:

H. B. No. 453, A bill to be entitled "An Act to amend Article 6078 of the Revised Civil Statutes of 1925, relating to county parks, so as to provide for the purchase and improvement of land for four parks in each county, of 100 acres each, or the purchase and improvement of land for one part of 400 acres."

Referred to Committee on Revenue and Taxation.

#### HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the

House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Thompson:

H. J. R. No. 14. Proposing an amendment to Article 3, Constitution of Texas, by adding thereto Section 8a, providing that no minister of the gospel or priest of any denomination whatever, shall be eligible to the office of Governor, or to a seat in either branch of the Legislature.

(Mr. Holder in the chair.)

#### BILL ORDERED PRINTED.

Mr. Harper moved that House bill No. 90, reported adversely with a minority favorable report, be printed.

Yeas and nays were demanded and the motion to print prevailed by the following vote:

#### Yeas—64.

Avis.	Loy.
Baker.	Mankin.
Baldwin.	Martin.
Barnett.	Mauritz.
Bateman.	McDonald.
Bond.	Mehl.
Bounds.	Mosely.
Bradley.	O'Neill.
Brice.	Palmer.
Coltrin.	Pope of Jones.
Conway.	Pope of Nueces.
Cox of Navarro.	Ray.
Cox of Limestone.	Renfro.
DeWolfe.	Richardson.
Enderby.	Rountree.
Eickenroht.	Sanders.
Forbes.	Sherrill.
Gilbert.	Shipman.
Graves	Simmons.
of Williamson.	Smith.
Graves of Erath.	Speck.
Hardy.	Stephens.
Harman.	Stevenson.
Harper.	Tarwater.
Heaton.	Veatch.
Jenkins.	Waddell.
Johnson	Wallace.
of Dimmit.	Walters.
Justiss.	Webb.
Keeton.	White.
Kennedy.	Wiggs.
King.	Williams
Kinnear.	of Travis.
Lee.	

#### Nays—40.

Ackerman.	Brooks.
Albritton.	Chastain.
Beck.	Davis.

Ewing.	Olsen.
Finlay.	Patterson.
Giles.	Pavlica.
Hefley.	Petsch.
Hines.	Reader.
Hogg.	Reid.
Hopkins.	Shelton.
Jones.	Storey.
Keller.	Strong.
Kemble.	Tillotson.
Kincaid.	Turner.
Land.	Van Zandt.
Maynard.	Warwick.
McCombs.	Williams
McGill.	of Sabine.
Murphy.	Woodall.
Negley.	Woodruff.
Nicholson.	

#### Present—Not Voting.

Carpenter.

#### Absent.

Adkins.	McKean.
Anderson.	Minor.
Cox of Lamar.	Montgomery.
Dunlap.	Moore.
Duvall.	Mullally.
Finn.	Pool.
Fuchs.	Prendergast.
Gerron.	Purl.
Harding.	Quinn.
Harrison.	Shaver.
Holder.	Sinks.
Johnson of Smith.	Snelgrove.
Kayton.	Thurmond.
Lemens.	Young.
Long of Wichita.	

#### Absent—Excused.

Acker.	Morse.
Gates.	Rogers.
Hornaday.	Savage.
Hubbard.	Thompson.
Johnson of Scurry.	Westbrook.
Kenyon.	Williams
Long of Houston.	of Hardin.
Metcalfe.	

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Keller, House bill No. 385 was ordered not printed.

On motion of Mr. Finlay, House bill No. 83 was ordered not printed.

#### REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

The Speaker laid before the House for consideration at this time the following majority report:

## Committee Room.

Austin, Texas, January 23, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Your Committee on Privileges, Suffrage and Elections, to whom was referred the matter of H. H. Wallace, contestant, versus A. S. Johnson, contestee, for the office of Representative for the Thirty-second Legislative District of the State of Texas, which contests are provided for in Article 3063 of the Revised Statutes of 1925, beg to advise that we have had the matter under consideration and do herewith make the following recommendations to the House:

Article 3059 of the Revised Statutes of 1925 provides as follows:

"If the contest be for the validity of an election for members of the Legislature, a copy of the notice, the statement, and the reply served upon the parties as required by this chapter shall, within twenty days after service thereof, be filed with the district returning officer to whom the returns of such election were made, who shall envelop the same together with a certified copy of the poll book or register of the votes of each precinct of the county returning to him in the said election and shall seal the said envelope and write his name across the seals and address the package to the President of the Senate or Speaker of the House of Representatives, as the case may be, to the care of the Secretary of State, and shall forward the same by mail, or other safe conveyance to the seat of government, so as to reach there if possible before the convening of the Legislature."

Our findings are that the contestant, H. H. Wallace, has failed to comply with the provisions of the statute just above quoted, in that, it is disclosed that the notice as provided by the law has never been served upon the contestee, A. S. Johnson. The statute appears to be mandatory, and the filing of such a notice is a condition precedent in our judgment to the vesting of jurisdiction in the House of Representatives in the matter; also we find that no certified copy of the poll book or register of the votes of each precinct and county returned to the returning officer is contained among the statement filed by the contestant. Both the contestant and contestee have appeared before this committee in person as well as by counsel and the committee has

very patiently listened to arguments on the above matters, which issues have been duly raised by the contestee in his "plea in abatement" filed herein, and after hearing the pleadings, statements and answers involved in the matter read and argument thereon, this committee is of the opinion that by reason of the contestant's failure to comply with the statute as above quoted, neither this committee nor the House has any jurisdiction to entertain the contest.

This committee therefore recommends to the House that the plea in abatement filed by the contestee be in all things sustained and that the contest be dismissed for want of jurisdiction.

Respectfully submitted,

SINKS, Chairman.

STOREY, Vice-Chairman.

YOUNG,

MANKIN,

MURPHY,

GRAVES of Williamson,

BOND,

BARNETT,

LEE,

SANDERS,

KELLER,

THOMPSON,

TURNER,

DUNLAP,

VEATCH,

WILLIAMS of Sabine.

Mr. Jenkins submitted the following minority report:

## Committee Room,

Austin, Texas, January 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: We, a minority of the Committee on Privileges, Suffrage and Elections, to whom was referred the contest of Hon. H. H. Wallace against Hon. A. S. Johnson, have had same under consideration and beg to report back with the recommendation that the House take the same into consideration and set a time for a trial thereof.

HARPER,

LOY,

POPE of Jones,

JENKINS,

SHELTON,

HAYS.

Mr. Barnett raised a point of order on further consideration of the minority report on the ground that certain members signing the minority report

were not present in the committee room when the report was made.

The Speaker overruled the point of order.

Mr. Sinks moved that the House adopt the majority report.

Mr. Jenkins moved as a substitute motion that the House adopt the minority report.

(Speaker in the chair.)

Mr. Kemble moved the previous question on the pending motions, and the main question was ordered.

Question first recurring on the motion by Mr. Jenkins, that the minority report be adopted, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—32.

Baker.	Kennedy.
Brice.	Kincaid.
Coltrin.	King.
Conway.	Lemens.
Cox of Lamar.	Loy.
Davis.	Mauritz.
DeWolfe.	Pope of Jones.
Ewing.	Reid.
Eickenroht.	Renfro.
Gilbert.	Shelton.
Giles.	Simmons.
Graves of Erath.	Smith.
Harper.	Snelgrove.
Holder.	Stephens.
Keeton.	Tarwater.
Kemble.	Waddell.

Nays—76.

Anderson.	Hogg.
Baldwin.	Hopkins.
Barnett.	Johnson
Beck.	of Dimmit.
Bond.	Johnson of Scurry.
Bounds.	Jones.
Bradley.	Justiss.
Chastain.	Keller.
Cox of Navarro.	Kinnear.
Cox of Limestone.	Land.
Dunlap.	Lee.
Duvall.	Long of Wichita.
Enderby.	Mankin.
Finn.	Martin.
Finlay.	Maynard.
Forbes.	McCombs.
Gerron.	McDonald.
Graves	McGill.
of Williamson.	Mehl.
Hardy.	Minor.
Harding.	Montgomery.
Harrison.	Moore.
Heaton.	Mosely.
Hefley.	Mullally.
Hines.	Murphy.

Negley.	Stevenson.
Nicholson.	Storey.
Pavlica.	Strong.
Petsch.	Turner.
Pool.	Van Zandt.
Pope of Nueces.	Veatch.
Prendergast.	Walters.
Richardson.	Warwick.
Rountree.	White.
Sanders.	Williams
Shaver.	of Sabine.
Sherrill.	Woodall.
Shipman.	Woodruff.
Sinks.	Young.
Speck.	

Present—Not Voting.

Albritton.	Palmer.
Brooks.	Ray.
Johnson of Smith.	

Absent.

Ackerman.	Patterson.
Adkins.	Purl.
Avis.	Quinn.
Bateman.	Reader.
Carpenter.	Thurmond.
Fuchs.	Tillotson.
Harman.	Wallace.
Jenkins.	Webb.
Kayton.	Wiggs.
McKean.	Williams
Olsen.	of Travis.
O'Neill.	

Absent—Excused.

Acker.	Morse.
Gates.	Rogers.
Hornaday.	Savage.
Hubbard.	Thompson.
Kenyon.	Westbrook.
Long of Houston.	Williams
Metcalf.	of Hardin.

Question then recurring on the adoption of the motion by Mr. Sinks, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—85.

Anderson.	Enderby.
Baldwin.	Finn.
Barnett.	Finlay.
Beck.	Forbes.
Bond.	Gerron.
Bounds.	Gilbert.
Bradley.	Graves
Chastain.	of Williamson.
Conway.	Hardy.
Cox of Navarro.	Harding.
Cox of Limestone.	Harrison.
Davis.	Heaton.
DeWolfe.	Hefley.
Dunlap.	Hines.
Duvall.	Hogg.

Holder.	Petsch.
Hopkins.	Pool.
Johnson	Pope of Nueces.
of Dimmit.	Reid.
Johnson of Scurry.	Richardson.
Jones.	Rountree.
Justiss.	Sanders.
Keller.	Shaver.
Kennedy.	Sherrill.
Kincaid.	Shipman.
Kinnear.	Sinks.
Land.	Speck.
Lee.	Stevenson.
Long of Wichita.	Storey.
Mankin.	Strong.
Martin.	Turner.
Maynard.	Var Zandt.
McCombs.	Veatch.
McDonald.	Wallace.
McGill.	Walters.
Mehl.	Warwick.
Minor.	White.
Montgomery.	Williams
Moore.	of Sabine.
Mosely.	Williams
Mullally.	of Travis.
Murphy.	Woodall.
Negley.	Woodruff.
Palmer.	Young.
Pavlica.	

Nays—19.

Baker.	Mauritz.
Coltrin.	Pope of Jones.
Cox of Lamar.	Renfro.
Eickenroht.	Shelton.
Giles.	Simmons.
Harper.	Smith.
Keeton.	Snelgrove.
Kemble.	Stephens.
Lemens.	Waddell.
Loy.	

Present—Not Voting.

Albritton.	Johnson of Smith.
Brice.	Ray.
Brooks.	Tarwater.
Graves of Erath.	

Absent.

Ackerman.	Nicholson.
Adkins.	Olsen.
Avis.	O'Neill.
Bateman.	Patterson.
Carpenter.	Prendergast.
Ewing.	Purl.
Fuchs.	Quinn.
Harman.	Reader.
Jenkins.	Thurmond.
Kayton.	Tillotson.
King.	Webb.
McKean.	Wiggs.

Absent—Excused.

Acker.	Gates.
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Hornaday.	Rogers.
Hubbard.	Savage.
Kenyon.	Thompson.
Long of Houston.	Westbrook.
Metcalf.	Williams
Morse.	of Hardin.

## EMPLOYEE ANNOUNCED.

The Speaker announced the appointment of Lynwood Boyette as night elevator man.

## MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, January 25, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 28, A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas of 1927 relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas; reorganizing the same, naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; creating the One Hundred and Ninth (109) Judicial District of Texas, designating the counties constituting said district; fixing the term for holding court in the several counties therein; providing for the appointment of a judge and a district attorney for said One Hundred and Ninth (109) Judicial District; providing that the present judge of the Fifty-first (51) Judicial District and the present judge of the Thirty-fifth (35) Judicial District shall continue to hold office during the term for which they were elected and until their successors are duly elected and qualified; giving to the judges of the Fifty-first (51) Judicial District and the One Hundred and Ninth (109) Judicial District the power and authority to transfer cases from one court to the other; authorizing the commissioners court of Tom Green county, Texas, to provide suitable



courtrooms and offices necessary to the holding of court in Tom Green county for the Fifty-first (51) and One Hundred and Ninth (109) Judicial District Court; providing that the district clerk of Tom Green county, Texas, shall be clerk of the newly created One Hundred and Ninth Judicial District of Texas in Tom Green county, Texas, in both the Fifty-first and One Hundred and Ninth Judicial Districts of Texas; validating all process, writs, bonds and recognizances of every kind or character heretofore issued and entered into and all grand and petit jurors selected and drawn under existing laws in the various counties affected by this act; describing the respective duties of the district attorneys for the Fifty-first and One Hundred and Ninth Judicial Districts of Texas, respectively, in Tom Green county, Texas; fixing their compensation; providing that if any provision of this act shall be held unconstitutional, such holding shall not affect the remaining provisions; and declaring an emergency."

S. B. No. 85, A bill to be entitled "An Act creating the One Hundred and Tenth Judicial District and reorganizing and prescribing the time for holding court in the Fiftieth Judicial District, the Sixty-fourth Judicial District and the Seventy-second Judicial District, and providing that the process heretofore issued in said districts shall be returnable to the proper terms created by this act, and papers issuing out of said courts; and providing all matters and things necessary and incidental to the main purpose of this act; and declaring an emergency."

S. B. No. 98, A bill to be entitled "An Act to require all persons who teach in the public schools to be American citizens."

S. B. No. 120, A bill to be entitled "An Act amending Article 4234, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of a guardian after being cited to answer, when he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian and when he becomes, of unsound mind or an habitual drunkard or is sentenced to imprisonment for a term of years, and when, if he be the guardian of the person, he cruelly treats the ward or neg-

lects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand; and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act to amend Section 1 of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and particularly ratifying and confirming all bonds issued thereunder, and declaring an emergency."

S. B. No. 108, A bill to be entitled "An Act to amend Article 1894 of Chapter 2, Title 40, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 107, A bill to be entitled "An Act to amend Article 1935 of Chapter 2, Title 41, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 117, A bill to be entitled "An Act providing for the giving of notices of the United States Veterans' Bureau of the filing of all annual and other accounts and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United States Veterans' Bureau, and providing for collection of fees therefor, and declaring an emergency."

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University lands, to provide for resurveying, dividing and marketing said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing duties of the Board of Regents of the University of Texas and of the Commissioner of the General Land Office of Texas; providing for the execution of

mineral leases on said lands, and repealing all laws in conflict therewith; and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

S. B. No. 145, A bill to be entitled "An Act to repeal Article 6899, Title 121, Chapter 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature, relating to the collateral security to be pledged by the depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts, and common school districts located in Texas, and bonds issued by municipal corporations in Texas, and declaring an emergency."

S. B. No. 124, A bill to be entitled "An Act amending Article 4142, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to sureties upon guardians' bonds, by adding thereto a provision authorizing the county judge to require corporate sureties on guardians' bonds in certain cases, and declaring an emergency."

S. B. No. 121, A bill to be entitled "An Act amending Article 4148, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county judge

to decrease the amount of a guardian's bond whenever in his opinion a smaller bond than the one in effect would be adequate to protect the estate of the ward, and declaring an emergency."

S. B. No. 123, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without regard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

S. B. No. 106, A bill to be entitled "An Act to amend Article 1898 of Chapter 2, Title 40, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 118, A bill to be entitled "An Act amending Article 4233, Chapter 10, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of guardians without notice when notices or other process of court cannot be served upon them on account of their whereabouts being unknown, and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act making provision for the purchase and installment by the Board of Prison Commissioners of machinery and equipment for the manufacture of motor vehicle number plates, seals and road signs, and markers; making an appropriation to carry out the purposes of this act, and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act to amend Articles 2461, 2462, 2463, 2465, 2466 and 2477 of subdivision 1 of Title 46 of Revised Civil Statutes of the State of Texas, 1925, relative to rural credit unions, and declaring an emergency."

S. B. No. 184, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925 so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000 or more may have, and declaring an emergency."

S. C. R. No. 12, Requesting Congress of the United States to return to the

respective States the war records, documents, etc., of the Confederate States.

The Senate has adopted the Free Conference Committee report on Senate bill No. 60 by 27 yeas and no nays.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 25, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bill:

H. B. No. 18, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### PROVIDING FOR COMMITTEE TO VISIT PENITENTIARY.

Mr. Gilbert offered the following resolution:

Whereas, A committee from the Senate is scheduled to leave Austin, Friday night of this week, to visit and inspect the penitentiary system of Texas; and

Whereas, In view of the fact that every member of the House is vitally interested in the problems relative to the penitentiary management and financing, and it is desirable that every member of the House secure as much information as possible; therefore, be it

Resolved, That the Speaker of the House be and he is hereby empowered to appoint a committee of House members to accompany the said committee from the Senate, and after making an inspection of the physical properties of the penitentiary system report their recommendations to the House. The number of the committee shall be as

many as the Speaker may deem necessary. Be it further

Resolved, That the hotel expenses and railroad fare of the said House committee be paid out of the contingent funds of the House, properly sworn to and presented in the usual manner.

The resolution was read second time.

Mr. Finlay offered the following amendment to the resolution:

Amend the resolution by providing that not more than fourteen members be appointed.

The amendment was lost.

Mr. Tillotson offered the following amendment to the resolution:

Amend the resolution by adding: "Such members of the House to be members of the Committee on Penitentiaries."

Mr. Williams of Travis raised a point of order on consideration of the amendment, on the ground that the House has already defeated an amendment containing the same subject matter.

The Speaker sustained the point of order.

Question then recurring on the resolution, it was adopted.

In accordance with the above action the Speaker announced the appointment of the following committee:

Messrs. King, Turner, Ackerman, Barnett, Brice, Conway, Cox of Lamar, Eickenroht, Graves of Williamson, Hefley, Long of Houston, Loy, Minor, Shaver, Sherrill, Tillotson, Waddell, Wallace, Warwick, Webb and Young.

#### BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 23, "An Act to create Hidalgo County Water Improvement District No. 5, in Hidalgo county, Texas, into a water control and improvement district, without changing the name of said district; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution."

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 60.

The Speaker laid before the House, for consideration at this time, the following conference committee report on Senate bill No. 60:

Committee Room,  
Austin, Texas, January —, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed by the Senate and the House to consider and adjust the differences between the House and Senate on

S. B. No. 60, A bill to be entitled "An Act to amend Article 2954, of the Revised Civil Statutes of Texas, 1925, Chapter 6, Title 121, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include the counties of Galveston, Refugio, Jim Wells, Duval and Harris, and declaring an emergency,"

Have met and after a full and free conference have agreed to recommend and do recommend:

That the House recede from all its amendments and that the bill be passed with the following amendments, in lieu of the House amendments:

Amend Senate bill No. 60 by including the names of the following counties: "Jeff Davis, Webb, Zapata, Terrell, Goliad, Gray, Hutchinson, Potter, Leon, Zavala, Uvalde, Walker, Archer, San Jacinto, Throckmorton, Montgomery, Shackelford, Panola, Brooks, Jim Hogg, Live Oak."

Respectfully recommended,

HOLBROOK,  
GAINER,  
PARR,  
McFARLANE,  
STEVENSON,

On the Part of the Senate.

MOORE,  
STEVENSON,  
GILES,  
WEBB,  
HOGG,

On the Part of the House.

On motion of Mrs. Moore the report was adopted by the following vote:

Yeas—106.

Mr. Speaker.	Brice.
Albritton.	Brooks.
Anderson.	Carpenter.
Baker.	Conway.
Baldwin.	Cox of Navarro.
Barnett.	Cox of Limestone.
Bateman.	DeWolfe.
Beck.	Dunlap.
Bond.	Duvall.
Bounds.	Enderby.
Bradley.	Ewing.

Eickenroht.	Moore.
Finn.	Mosely.
Finlay.	Mullally.
Forbes.	Murphy.
Gerron.	Negley.
Gilbert.	Palmer.
Giles.	Pavlica.
Graves	Petsch.
of Williamson.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Harding.	Purl.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Reid.
Heaton.	Renfro.
Hefley.	Richardson.
Hogg.	Rountree.
Hopkins.	Sanders.
Jenkins.	Shaver.
Johnson	Shelton.
of Dimmit.	Sherrill.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Justiss.	Sinks.
Keeton.	Smith.
Keller.	Speck.
Kemble.	Stevenson.
Kennedy.	Storey.
Kincaid.	Strong.
Kinnear.	Tarwater.
Land.	Turner.
Lee.	Van Zandt.
Lemens.	Wallace.
Long of Wichita.	Walters.
Loy.	Warwick.
Mankin.	Webb.
Martin.	White.
Mauritz.	Williams
Maynard.	of Sabine.
McCombs.	Williams
McDonald.	of Travis.
Mehl.	Woodall.
Minor.	Woodruff.
Montgomery.	Young.

Absent.

Ackerman.	McKean.
Adkins.	Nicholson.
Avis.	Olsen.
Chastain.	O'Neill.
Coltrin.	Patterson.
Cox of Lamar.	Pool.
Davis.	Prendergast.
Fuchs.	Reader.
Hardy.	Snelgrove.
Hines.	Stephens.
Holder.	Thurmond.
Jones.	Tillotson.
Kayton.	Veatch.
King.	Waddell.
McGill.	Wiggs.

Absent—Excused.

Acker.	Hornaday.
Gates.	Hubbard.

Kenyon.  
Long of Houston.  
Metcalfe.  
Morse.  
Rogers.

Savage.  
Thompson.  
Westbrook.  
Williams  
of Hardin.

#### RELATING TO TARIFF ON FARM AND RANCH PRODUCTS.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 11. Relating to tariff on farm and ranch products.

Whereas, An important hearing on agricultural schedule will be held within the near future in both the House and Senate of the United States Congress; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it go on record favoring a fair and adequate tariff rate on all products of both the farm and ranch, and that we request the members of both Houses of Congress to give careful study to such schedule with special attention to the interest of the farmer and stock raiser; be it further

Resolved, That a copy of this resolution be wired to each Senator and Congressman from Texas and a copy be sent the chairman of the Agricultural Committee in both Houses of Congress.

The resolution was read second time and was adopted.

#### PROPOSED AMENDMENTS TO HOUSE RULES.

The Speaker laid before the House and had read the following proposed amendments to the House Rules:

Amend Rule XXVIII, Section 1, by inserting after the word "departments" and before the word "and" the words "and their wives."

Signed—Pool, Patterson, Sinks.

Amend Rule XXVIII, Section 1, by inserting after the word "Governor" and before the word "and" the words "his wife."

Signed—Pool, Gilbert, Graves.

The amendments were referred by the Speaker to the Committee on Rules.

#### REQUESTING COURT TO RESET CERTAIN CASES.

Mr. Woodall offered the following resolution:

H. C. R. No. 6, Relating to resetting certain cases.

Whereas, There are many lawyers

holding membership in the Forty-first Legislature of Texas; and

Whereas, It will be a great handicap to the work of the Legislature for these lawyers to be compelled, during the session of said Legislature to leave its work and be required to try lawsuits; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the judiciary of Texas be, and they are hereby requested to reset or continue all cases in which any member of the Legislature is counsel, where such request by such Legislator is made so that this Legislature may have the attendance continuously of its lawyer members and have the benefit of their counsel and service at all times.

Signed—Woodall, Gilbert, Van Zandt, Heaton, Holder.

The resolution was read second time and was adopted.

#### REPORT OF THE COMMITTEE TO SELECT HOUSE PHOTOG- RAPHER.

The Speaker laid before the House for consideration at this time the following report of the committee to select House photographer:

To the House of Representatives of the Forty-first Legislature:

We, your committee appointed by the Speaker by virtue of a resolution passed by the House of Representatives of the Forty-first Legislature, beg leave to report as follows:

We have had submitted to us five offers by as many photographers to make block pictures for the House.

It is our judgment that the offer of The Elliotts' Studio is best in price and that their work will meet with the approval of the members of the House of Representatives.

We are attaching hereto a copy of their offer and recommend that the House accept same.

BATEMAN,  
Chairman.  
BARNETT,  
WOODALL,  
McCOMBS.

Offer of The Elliotts, makers of pictures, 814 Congress Avenue, Austin, Texas:

We will make the block picture of the Forty-first Legislature free of charge to the members and the State, framed

ready to place in the House, same to be made under the direction of, and satisfactory to, the committee.

We will make an 18x22 copy of the large block picture, for which we will charge \$3.00, to those who want to order.

To members desiring individual pictures, we make a rate of one-third less than our regular prices on all sizes.

(Signed) THE ELLIOTTS,  
By Martyn Elliott.

The report was adopted.

#### GRANTING HON. JOSEPH JONES LEAVE OF ABSENCE.

Mr. Thurmond offered the following resolution:

H. C. R. No. 8, Granting to Hon. Joseph Jones, Judge of the Sixty-third Judicial District of Texas, leave of absence.

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That Hon. Joseph Jones, Judge of the Sixty-third Judicial District of Texas, be and he is hereby granted permission to be absent from the State of Texas at such interval and for such time as he sees fit and desires, while his court is not in session, during the months of May, June and July, A. D. 1929.

The resolution was read second time and was adopted.

#### RELATING TO CIVIL WAR RECORDS OF THE CONFEDERATE STATES.

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 12, Relating to Civil War records.

Whereas, The Civil War records of the States composing the Confederate States of America were carried as spoils of war by the Federal forces to Washington and placed in the War Department of the United States, where they now remain; and

Whereas, These records can now no longer be considered of any real worth to the United States government other than historical; and

Whereas, The fealty of all States comprising the Union since the Civil War has been proved and sealed by a common baptism of fire and blood; and

Whereas, These old records are now

but mute testimonials to the valor and courage and patriotism of Southern manhood and are historical data cherished only by the States from which they were taken by the fortunes of war; and

Whereas, The respective States are anxious to repurchase this data and these war records for their historical value, and a worthy sentiment of proud possession; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States be and they are hereby requested by appropriate act to return to the respective States these war records, muster rolls, and other such documents taken from the respective Southern States at the close of the Civil War, and our Representatives and Senators in Congress are urged to secure the passage of such measure.

The resolution was read second and was adopted.

#### RELATING TO REGULATING PUBLIC UTILITIES.

Mr. Petsch offered the following resolution:

H. C. R. No. 7, Relating to public utilities.

Whereas, The Legislature of the State of Texas will have under consideration during this session the question of whether or not the public utilities of this State shall be regulated by means of a public utility commission; and

Whereas, Such regulation is a Democratic platform demand and the same was expressly recommended and requested by the message of the Governor to the Legislature; and

Whereas, At a hearing of said question on the night of January 24, 1929, before the Senate committee, there appeared the Hon. J. J. Collins, city attorney of Dallas, the Hon. Joseph Ryan, city attorney of San Antonio, and the Hon. R. E. Rouer, city attorney of Fort Worth, and each of them expressed their opinion to the effect that State regulation of public utilities was not only practicable but necessary for the protection of the interests of the people, as well as the honest and law-abiding utility; and

Whereas, Each of the before-named gentlemen are men of great experience in utility problems, are acquainted with propositions upon which regulations of such utilities are necessary, and, also,

practical, and all of them are recognized in their respective cities for their honesty, integrity and ability; and

Whereas, By virtue of said fact said city attorneys could be of great service to the Legislature of the State of Texas, and the people of this State, by rendering their assistance to the committees having the various public utility bills under consideration, and it is recognized by all members of the Legislature as a general proposition the Legislature will be greatly benefited by the expert and patriotic advice these gentlemen could render to the Legislature; therefore be it

Resolved by the House of Representatives, the Senate concurring, That each of said gentlemen be, and is hereby, invited to render their counsel and assistance to the committee having said utility measures under consideration and that said gentlemen jointly be hereby constituted and designated as an honorary advisory committee to the Texas Legislature upon questions of public utilities; and be it further

Resolved, That the Secretary of the Senate, upon passage of this resolution, be requested to mail a certified copy of this resolution to each of the said gentlemen.

The resolution was read second time.

Mr. Barnett moved to table the resolution.

Mr. Purl raised a point of order on further consideration of the resolution at this time, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

#### RELATING TO HOUSE BILL NO. 55.

Mr. Van Zandt moved to reconsider the vote by which the House refused on yesterday to pass House bill No. 55 to engrossment.

Mr. Hopkins moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—84.

Anderson.	Brooks.
Avis.	Chastain.
Baker.	Coltrin.
Baldwin.	Cox of Navarro.
Bateman.	Cox of Lamar.
Bond.	Davis.
Bradley.	DeWolfe.
Brice.	Enderby.

Ewing.	Negley.
Finn.	Nicholson.
Finlay.	O'Neill.
Gerron.	Palmer.
Gilbert.	Patterson.
Giles.	Pavlica.
Graves of Erath.	Pope of Jones.
Harding.	Prendergast.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Reid.
Heaton.	Sanders.
Hefley.	Shelton.
Hines.	Sherrill.
Hogg.	Sinks.
Hopkins.	Snelgrove.
Johnson of Smith.	Speck.
Jones.	Stephens.
Kennedy.	Stevenson.
Kincaid.	Storey.
King.	Strong.
Kinnear.	Tarwater.
Land.	Thurmond.
Lemens.	Tillotson.
Loy.	Turner.
Mankin.	Veatch.
Martin.	Wallace.
Mauritz.	Warwick.
McCombs.	White.
McDonald.	Williams
Mehl.	of Travis.
Minor.	Woodall.
Mosely.	Woodruff.
Mullally.	Young.
Murphy.	

#### Nays—28.

Barnett.	Kemble.
Beck.	Lee.
Bounds.	Long of Wichita.
Conway.	McGill.
Cox of Limestone.	Petsch.
Duvall.	Purl.
Forbes.	Renfro.
Graves	Shaver.
of Williamson.	Shipman.
Hardy.	Simmons.
Jenkins.	Waddell.
Johnson	Walters.
of Dimmit.	Webb.
Johnson of Scurry.	Williams
Justiss.	of Sabine.
Keller.	

#### Present—Not Voting.

Maynard.

#### Absent.

Ackerman.	Keeton.
Adkins.	McKean.
Albritton.	Montgomery.
Carpenter.	Moore.
Dunlap.	Olsen.
Eickenroht.	Pool.
Fuchs.	Pope of Nueces.
Holder.	Reader.
Kayton.	Richardson.

Rountree.                      Wiggs.  
Smith.                              Absent—Excused.

Acker.                              Morse.  
Gates.                              Rogers.  
Hornaday.                      Savage.  
Hubbard.                          Westbrook.  
Kenyon.                              Williams  
Long of Houston.              of Hardin.  
Metcalf.

Paired.

Mr. Van Zandt (present), who would vote "nay," with Mr. Thompson (absent), who would vote "yea."

#### BILLS RE-REFERRED.

Mr. Woodall moved that House bill No. 94 be withdrawn from the Committee on Liquor Traffic and referred to the Committee on Criminal Jurisprudence.

Mr. Forbes moved to table the motion to re-refer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—27.

Avis.	Reid.
Baker.	Renfro.
Bond.	Shelton.
Brice.	Sherrill.
Coltrin.	Shipman.
Cox of Lamar.	Simmons.
Cox of Limestone.	Snelgrove.
Forbes.	Stephens.
Graves of Erath.	Veatch.
Harper.	Waddell.
Kemble.	Wallace.
Kennedy.	Williams
King.	of Travis.
Ray.	Young.

Nays—82.

Ackerman.	Enderby.
Anderson.	Finn.
Baldwin.	Finlay.
Barnett.	Gerron.
Bateman.	Gilbert.
Beck.	Graves
Bounds.	of Williamson.
Bradley.	Hardy.
Brooks.	Harding.
Chastain.	Harman.
Conway.	Harrison.
Cox of Navarro.	Heaton.
Davis.	Hefley.
DeWolfe.	Hines.
Dunlap.	Hogg.
Duvall.	Hopkins.

Jenkins.	Pavlica.
Johnson	Petsch.
of Dimmit.	Pool.
Johnson of Smith.	Pope of Jones.
Johnson of Scurry.	Pope of Nueces.
Jones.	Purl.
Justiss.	Rountree.
Keller.	Sanders.
Kincaid.	Shaver.
Kinnear.	Sinks.
Land.	Speck.
Lee.	Stevenson.
Long of Wichita.	Storey.
Mankin.	Strong.
Martin.	Tarwater.
McCombs.	Thurmond.
McDonald.	Tillotson.
McGill.	Turner.
Mehl.	Van Zandt.
Moore.	Walters.
Mosely.	Warwick.
Mullally.	Webb.
Murphy.	White.
Negley.	Williams
Nicholson.	of Sabine.
O'Neill.	Woodall.
Patterson.	Woodruff.

Present—Not Voting.

Quinn.

Absent.

Adkins.	Mauritz.
Albritton.	Maynard.
Carpenter.	McKean.
Ewing.	Minor.
Eickenroht.	Montgomery.
Fuchs.	Olsen.
Giles.	Palmer.
Holder.	Prendergast.
Kayton.	Reader.
Keeton.	Richardson.
Lemens.	Smith.
Loy.	Wiggs.

Absent—Excused.

Acker.	Morse.
Gates.	Rogers.
Hornaday.	Savage.
Hubbard.	Thompson.
Kenyon.	Westbrook.
Long of Houston.	Williams
Metcalf.	of Hardin.

Mr. Finlay moved the previous question on the pending motion and the main question was ordered.

Question recurring on the motion to re-refer the bill, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—84.

Anderson.	Barnett.
Avis.	Beck.
Baldwin.	Bond.



Bradley.	McCombs.
Brooks.	McDonald.
Carpenter.	McGill.
Chastain.	Mehl.
Conway.	Moore.
Cox of Navarro.	Mullally.
Cox of Limestone.	Murphy.
Davis.	Negley.
DeWolfe.	Nicholson.
Dunlap.	O'Neill.
Duvall.	Palmer.
Enderby.	Patterson.
Ewing.	Pavlica.
Finn.	Petsch.
Finlay.	Pool.
Gilbert.	Pope of Jones.
Graves	Pope of Nueces.
of Williamson.	Ray.
Hardy.	Reid.
Harding.	Rountree.
Harman.	Sanders.
Harrison.	Sherrill.
Heaton.	Sinks.
Hefley.	Speck.
Hines.	Stevenson.
Hogg.	Storey.
Hopkins.	Strong.
Jenkins.	Tarwater.
Johnson	Thurmond.
of Dimmit.	Tillotson.
Johnson of Smith.	Turner.
Johnson of Scurry.	Van Zandt.
Jones.	Veatch.
Keller.	Walters.
Kinnear.	Warwick.
Land.	White.
Lee.	Williams
Long of Wichita.	of Sabine.
Mankin.	Woodall.
Martin.	Woodruff.
Mauritz.	

## Nays—26.

Baker.	Mosely.
Bounds.	Purl.
Coltrin.	Quinn.
Cox of Lamar.	Renfro.
Forbes.	Shelton.
Giles.	Shipman.
Graves of Erath.	Simmons.
Harper.	Snelgrove.
Justiss.	Stephens.
Kemble.	Wallace.
Kennedy.	Williams
Kincaid.	of Travis.
King.	Young.
Lemens.	

## Present—Not Voting.

Brice.

## Absent.

Ackerman.	Fuchs.
Adkins.	Gerron.
Albritton.	Holder.
Bateman.	Kayton.
Eickenroht.	Keeton.

Loy.	Reader.
Maynard.	Richardson.
McKean.	Shaver.
Minor.	Smith.
Montgomery.	Waddell.
Morse.	Webb.
Olsen.	Wiggs.
Prendergast.	

## Absent—Excused.

Acker.	Rogers.
Gates.	Savage.
Hornaday.	Thompson.
Hubbard.	Westbrook.
Kenyon.	Williams
Long of Houston.	of Hardin.
Metcalfe.	

On motion of Mr. McGill House bill No. 133 was withdrawn from the Committee on Public Lands and Buildings and referred to the Committee on Appropriations.

(Mr. Purl in the chair.)

## ADOPTING MASCOT OF THE HOUSE.

Mr. Wallace offered the following resolution:

Whereas, We have with us today the proper person for the office of Mascot of the House of Representatives of the Forty-first Legislature; therefore be it

Resolved, That Wingate Stuart (Bubba) Barron, Jr., son of our Speaker, be, and he is hereby officially named by this House as Mascot of the House of Representatives of the Forty-first Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed with the members of the House in the official group of this body.

Signed—Wallace, Holder, Purl, Minor, Murphy, Davis, Kemble.

The resolution was read second time and was adopted unanimously.

## COMMITTEE TO INVESTIGATE LAND OFFICE.

The Speaker announced the appointment of the following committee to investigate the General Land Office:

Messrs. Minor, Stevenson and Bond.

## SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 28, to the Committee on Judicial Districts.

Senate bill No. 63, to the Committee on Appropriations.

Senate bill No. 82, to the Committee on Public Land and Buildings.

Senate bill No. 107, to the Judiciary Committee.

Senate bill No. 108, to the Judiciary Committee.

Senate bill No. 114, to the Committee on Banks and Banking.

Senate bills Nos. 117, 118, 120, 121, 122, 123 and 124, to the Judiciary Committee.

Senate bill No. 145, to the Committee on Live Stock and Stock Raising.

Senate bill No. 172, to the Committee on Banks and Banking.

Senate bill No. 85, to the Committee on Judicial Districts.

Senate bill No. 98, to the Committee on Education.

Senate bill No. 106, to the Judiciary Committee.

Senate bill No. 184, to the Committee on Banks and Banking.

Senate bill No. 275, to the Committee on Municipal and Private Corporations.

#### ADJOURNMENT.

On motion of Mr. Kemble, the House, at 1:10 o'clock p. m., adjourned until 9:30 o'clock a. m. next Monday.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Constitutional Amendments: House joint resolution No. 3.

Eleemosynary Institutions: House bill No. 399.

Game and Fisheries: Senate bill No. 83.

Common Carriers: House bill No. 9.

Highways and Motor Traffic: House bill No. 404.

Municipal and Private Corporations: House bill No. 153.

Privileges, Suffrage and Elections: House bill No. 312.

Insurance: House bill No. 160.

Criminal Jurisprudence: House bills Nos. 375, 200, 385, 148.

The following committees have today filed adverse reports on bills as follows:

Education: Senate bill No. 46.

Insurance: House bill No. 184.  
Constitutional Amendments: House joint resolution No. 13.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 189, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925, so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000 or more may have,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to amend Article 7125 of the Revised Civil Statutes of 1925 so as to exempt estates upon which inheritance taxes have been levied within five years from date of second passage of said estates, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

#### FOURTEENTH DAY.

(Monday, January 28, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.

Ackerman.

Albritton.

Anderson.

Avis.

Baker.

Baldwin.

Barnett.

Bateman.

Beck.

Bond.

Bounds.

Bradley.

Brice.

Carpenter.

Chastain.

Coltrin.

Conway.

Cox of Navarro.

Cox of Lamar.

Cox of Limestone.

Davis.